

REMARKS

The Office Action of February 7, 2006 has been received and reviewed. Claims 1-30, 32-44, 46 and 49-53 are currently pending in the application. Claims 1-30, 32-43 and 51-53 are Withdrawn from consideration as being directed to a non-elected invention. Claims 44, 46, 49 and 50 stand rejected. Claims 44 and 49 have been amended as set forth herein. All amendments are made without prejudice or disclaimer. Reconsideration is respectfully requested.

35 U.S.C. §112

Claims 44 and 49 stand rejected under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with both the written description and enablement requirements. Applicants respectfully submit that the amendments to claims 44 and 49 overcome the rejections and request withdrawal of same.

Although the applicant does not agree that claims 44 and 49 lack supporting written description or required enablement, to expedite prosecution, the claims have been amended to substitute the transitional phrase “consisting essentially” for “comprising” with respect to the claims sequences. With the inclusion of this language, applicants respectfully submit that claims 44 and 49, as amended, no longer claim the large number of possible species which the Examiner asserted lacked enablement. *See* Office Action at page 5.

In addition, with the inclusion of the new transitional phrase, applicants respectfully submit that undue experimentation is not required. As such, appellants respectfully submit that the amendments to claims 44 and 49 overcome the rejection under 35 U.S.C. § 112, first paragraph, for lack of enablement and lack of written description. Reconsideration and withdrawal of the rejections concerning claims 44 and 49 is respectfully requested.

35 U.S.C. § 102(b)

Claims 46 and 50 stand rejected under 35 U.S.C. §102(b) as being allegedly anticipated by U.S. Patent 5,187,153 to Cordell et al. Applicants respectfully traverse this rejection as set forth herein.

Cordell et al. fails to disclose each and every aspect of claims 46 and 50 of the presently claimed invention. Cordell et al. fails to specifically disclose any of SEQ ID NO: 5, SEQ ID NO: 8 or SEQ ID NO: 13. Instead, Cordell et al. discloses significantly larger peptides. The general disclosure of the existence of fragments of the disclosed full-length peptides is insufficient to anticipate either claim 46 or claim 50 of the presently claimed invention. Cordell et al. lacks any general disclosure that fragments of the disclosed peptides may inhibit the interaction between a presenilin and a type 1 membrane protein. (*See, for example*, Specification, paragraph [0005]). Similarly, Cordell et al. lacks any disclosure of these specific peptides (*i.e.*, SEQ ID NO: 5, SEQ ID NO: 8 or SEQ ID NO: 13) or that these peptides inhibit the interaction between a presenilin and a type 1 membrane protein.

Further, claim 46 and claim 50 of the presently claimed invention recite, in part, a compound ***consisting essentially of*** a compound selected from the group consisting of SEQ ID NO: 5, SEQ ID NO: 8, and SEQ ID NO: 13. The disclosure in Cordell et al. of a significantly larger peptide having a first binding specificity cannot anticipate a second, smaller peptide, having a different binding specificity. As Cordell et al. cannot anticipate the presently claimed invention, reconsideration and withdrawal of the rejection of claims 46 and 50 is respectfully requested.

Rejoinder of Claim 32

In the Office Action mailed April 5, 2005, at page 8, the Examiner indicated that where the applicant has elected claims directed to a product, and the product claim is subsequently found allowable, Withdrawn process claims that depend from or otherwise include all the elements of the allowable product claim will be rejoined in accordance with the provisions of MPEP §821.04. Further, the Examiner indicated that such process claims will be entered as a matter of right. *Id.* Applicants respectfully submit that process claim 32, of the presently claimed invention, includes all the elements of claim 44, which applicants believe to be in condition for allowance. As such, applicants respectfully request that claim 32, of the presently claimed invention, be rejoined in the present application. Consideration of claim 32 is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, the claims should define patentable subject matter and notice of allowance is requested. Amendments to the specification were made to correct typographical errors. No new matter was added. If any questions remain after consideration of the foregoing, the Office is invited to contact the applicants' undersigned attorney at the address or telephone number given herein.

Respectfully submitted,



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